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PUBLIC HEALTH ADVISORY AND APPEAL BOARD

ANNUAL REPORT 1989 - 90

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June, 1991

The Honourable Dr. David J. Carter
Speaker of the Legislative
Assembly of Alberta
325 Legislature Building
Edmonton, Alberta
T5K 2B6

Dear Sir:

I have the honour to present the Annual Report of the Public Health Advisory and Appeal Board for the year August 1, 1989 to July 31, 1990.

Respectfully submitted,

Nancy J. Betkowski
Minister

Alberta

PUBLIC HEALTH ADVISORY
AND APPEAL BOARD

Mailing Address: 3rd Floor, Seventh Street Plaza, 10030 - 107 Street, Edmonton, Alberta, Canada T5J 3E4 403/427-2813

June, 1991

The Honourable Nancy J. Betkowski
Minister of Health
323 Legislature Building
Edmonton, Alberta
T5K 2B6

Madam Minister:

I have the honour and privilege to present the Annual Report of the Public Health Advisory and Appeal Board for the Year August 1, 1989 to July 31, 1990.

Respectfully submitted,

Max McCann
Chairman
Public Health Advisory
and Appeal Board

PUBLIC HEALTH ADVISORY AND APPEAL BOARD

Chairman:

Max McCann (St. Albert) — Appointed Board Chairman August, 1988. Presently President of Idavon Management Consultants, President of the Tourism Industry Association of Alberta, and a senator in the Canada Jaycees. Formerly in restaurant business for 18 years. Mr. McCann was named citizen of the year in St. Albert in 1985.

Vice Chairman:

Muriel Abdurahman (Fort Saskatchewan) — Appointed Board Vice-Chairman August, 1988. Presently chairman of Alberta Hospital Edmonton, a governor of the Hospital Foundation, and member of Northern Alberta Advisory Board for TransAlta Utilities Corporation. Former mayor and councillor of Fort Saskatchewan and chairman of the Health Unit Association of Alberta.

Members:

Gerry Blum (Calgary) — An Architect and planner in Alberta since 1960, and has spent 14 years teaching architecture in both Canada and Zambia.

Jeannette Bougie Bourget (Bonnyville) — Presently chairman of the Social Services Advisory and Appeal Board for the Municipal District of Bonnyville, pastoral care volunteer at the Bonnyville Health Centre. Founder and past president of the Dove Centre, which is a facility for the disabled, and former Catholic School Trustee.

Kathleen Clarke (Calgary) — University training in both nursing and business administration. Work experience includes counsellor to juveniles, Executive Director of Family Day Home Program. Past Deputy Chairman of Calgary General Hospital, Treasurer of Calgary Regional Mental Health Council and member of University of Calgary Chancellors Club.

Barbara A. Cumberland (Red Deer) — Former surgical nurse with an extensive volunteer history serving Family and Community Support Services, the Regional Cancer Board, the United Way and Meals on Wheels. A coordinator for the 1988 Winter Olympics in Calgary.

Charles A. Taylor (Medicine Hat) — brings to the board a varied background which includes work in the food and energy industries. He has been president of the Kinsmen Club, the Chamber of Commerce and the Medicine Hat Shrine Club. He has served on the Economic Development Board for the City of Medicine Hat for five years.

Dr. Jim Oshiro (Coaldale) — Retired physician, former Medical Officer of Health, Barons Eureka Health Unit, Past President of Alberta Medical Association, former Chancellor of University of Lethbridge.

Frank Wilkinson (Sangudo) — Former business manager, Public Relations Representative and Extension Specialist with a large grain handling organization for 33 years. Presently, involved in the agricultural sector as a small farmer.

Advisory and Appeal Secretariat: Jenny Malanchuk — Coordinator.

Advisory and Appeal Secretariat: Margaret Anne Milne — Secretary

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HISTORY AND MANDATE

The Public Health Advisory and Appeal Board was established by the Government of Alberta on July 31, 1985, under Section 2 of the Public Health Act. It replaced the Provincial Board of Health which had evolved through Alberta's first Public Health Act of 1909.

The Provincial Board of Health's purpose, as stated in this turn of the century legislation, was to "take cognizance of the interests of health and life among the people of the province."

As such, the board had advisory and appeal functions and used its powers broadly for the protection and improvement of health and the prevention of disease. Members of the Board of Health were primarily officials from various provincial departments concerned about health issues.

The mandate of the Public Health Advisory and Appeal Board as described in Section 3 of the Public Health Act is:

(a) to advise the Minister on matters pertaining to the public health;

(b) to make investigations or inquiries into, collect information relating to or conduct research into any matter relating to the public health and make its report in the manner and at the time specified by the Minister;

(c) on the request of the Lieutenant-Governor in Council, hold public hearings for the purpose of receiving submissions on matters pertaining to the public health and make its report to the Minister;

(d) hear appeals pursuant to Section 4 of the Public Health Act.

To carry out this mandate the Public Health Advisory and Appeal Board comprises nine members with varied professional backgrounds who represent all parts of the province. Each is appointed by the Minister of Health through Order-in-Council for specified terms.

ADVISORY ACTIVITIES

In 1989-90, the Public Health Advisory and Appeal Board held the last three of six town hall meetings in Lethbridge, St. Paul and Grande Prairie in order to gather comments from concerned parties pertaining to minimum distance separation requirements for intensive livestock operations.

In February, 1990, a position paper on Minimum Distance Separation Requirements for Intensive Livestock Operations was presented to the Honourable Nancy J. Betkowski, Minister of Health.

A May 10, 1990 letter from the Minister of Health invited comment on the principles, directions and recommendations advocated by the Premier's Commission On Future Health Care for Albertans (Rainbow Report). Following several workshops a Public Health Advisory and Appeal Board response was forwarded to the Minister in September, 1990.

APPEAL ACTIVITIES

The Public Health Act establishes the Public Health Advisory and Appeal Board as an appeal body to hear appeals from decisions of local boards as defined in Section 4 of the Public Health Act. The Public Health Advisory and Appeal Board may confirm, reverse, or vary the decision of a local board, and is obliged to give written notice of its decision to the appellant and the local board.

The board is subject to the general rules of administrative law and natural justice as they apply to quasi-judicial tribunals. To that end, it has retained Donald R. Cranston of the law firm of Cruikshank, Karvellas, Layton & Connauton, to provide independent legal advice.

The following table summarizes all the appeals received or heard by the Public Health Advisory and Appeal Board from August 1, 1989 to July 31, 1990.

Decision #	Subject	Parties Involved
04/89	Appeal of a decision refusing to issue a development permit respecting the keeping of livestock.	Alberta Agricultural Development Corporation and Drumheller Health Unit
01/90	Appeal of a decision to issue a development permit for a waste management facility.	Central Alberta Waste Authority, Red Deer Regional Health Unit and Shirley Schalin and concerned citizens of Pine Lake.
02/90	Appeal of a refusal to grant a waiver.	Pam's Fast Food Store Ltd. and Humpty's Egg Place Franchises Inc., 409004 Alberta Ltd., the Calgary Board of Health and City of Calgary
03/90	Appeal of a decision to refuse an operating permit for a waste management facility.	Mount View Health Unit and County of Mountain View No. 17
04/90	Appeal from a waiver decision to refuse to allow use of the 2 compartment sink for sanitizing utensils.	Mount View Health Unit and Olds College Meat Lab
05/90	Appeal of a waiver decision respecting the distance requirements for the keeping of livestock.	Mount View Health Unit and John Haynes

03/90 **County of Mountain View No. 17** *Hearing held: April 24, 1990*	County of Mountain View No. 17 appealed the decision of the Mount View Health Unit to decline to issue an operating permit for the County's Reed Ranch Landfill located at N.E. 33-32-27-W4th for a period of 18 months to allow the County time to find an alternate site.	The Board varied the decision of the Mount View Health Unit such that the modified lanfill site may continue operation for the period April 1, 1990 through to April 30, 1991 but not beyond.
04/90 **Olds College Meat Lab** *Hearing held: April 25, 1990, Reconvened: June 26,1990*	Olds College Meat Lab appealed the decision of the Mount View Health Unit refusing a waiver application with respect to the requirement for a three compartment sink under Section 56(1) of the Food Regulation. This Board was not satisfied that there would be an adequate degree of protection of the public health with waiver of this provision within the Food Regulation.	Test results of Dr. Stiles reinforced this possibility. This Board denied the appeal of the Olds College Meat Lab.
04/89 **Alberta Agricultural Development Corporation** *Hearing held: December 12, 1989*	Alberta Agricultural Development Corporation appealed the decision of the Drumheller Health Unit to refuse the development of a piggery on a portion of E. 1/2-25-28-22-W4M in the Municipal District of Kneehill, lands owned by Alberta Agricultural Development Corporation.	The Board concluded this was a non-farm area. The Board upheld the decision of the Drumheller Health Unit and denied the appeal.

01/90 **Shirley Schalin and Concerned Citizens of Pine Lake**	Shirley Schalin and the Concerned Citizens of Pine Lake appealed a decision of the Red Deer Regional Local Board of Health to issue a development	approval to the Central Alberta Regional Waste Authority for a regional sanitary landfill site near Pine Lake, Alberta.
02/90 *Order dated: May 2, 1990*	409004 Alberta Ltd. appealed a decision to not grant a waiver by the Calgary Board of Health Waiver Committee. With the consent of all parties, including the Calgary Board of Health and the City of Calgary, the Board	issued a consent decision setting aside the refusal of the Calgary Local Board of Health refusing the waiver application.
05/90 **John Haynes** *Hearing held: May 29, 1990*	Mr. John Haynes appealed the decision of the Waiver Committee of the Mount View Local Board of Health refusing Mr. Haynes' application for a waiver of the Provincial Board of Health Regulations Respecting the Keeping of Livestock and Poultry (Division 23) ("the Regulation") Section 23-11-1(e). This Board concluded Mr. Haynes' feed lot is in a farm area and Mr. Haynes is not in a violation of the Regulation.	In addition, the Board was satisfied there would be an adequate degree of protection of the public health by waiving the application of the definition of "non-farm area" to Mr. Haynes in this case. The decision of the Local Board was reversed.

OTHER ACTIVITIES

Health related conferences and seminars throughout the reporting year provide board members the opportunity to keep current of health perspectives and issues.

In 1989-90, the Public Health Advisory and Appeal Board was represented at the following:

- Long Term Care Partners in Care: Coming Together, in Calgary, October 2 and 3, 1989.
- Catholic Health Association of Alberta Annual Convention: "Abortion: A Health Care Concern" in Edmonton, November 28, 1989.
- Alberta Hospital Association Convention '89, "Health Care in the Fast Lane: Who's Driving?" in Edmonton November 29, 30 and December 1, 1989.
- Health Unit Association of Alberta Issues Conference, "Rainbow or Roadmap? Finding the right path for public health in the 1990's", in Banff, April 3 - 6, 1990.
- Alberta Public Health Association Conference "Achieving Equity in Health - strategies and resources" in Calgary, May 8 - 11, 1990.